



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1817 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 17 – Zoning – by Repealing and Reenacting Chapter 17.81 Relating to Site Plan and Architectural Approval"

MEETING DATE: September 3, 2008

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1817.

BACKGROUND INFORMATION: Ordinance No. 1817 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 17 – Zoning – by Repealing and Reenacting Chapter 17.81 Relating to Site Plan and Architectural Approval," was introduced at the regular City Council meeting of August 20, 2008.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36932**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

A handwritten signature in black ink, appearing to be "Randi Johl", written over a horizontal line.

Randi Johl
City Clerk

RJ/jmp

Attachment

APPROVED: Blair King, City Manager

ORDINANCE NO. 1817

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LODI AMENDING LODI MUNICIPAL CODE
TITLE 17 – ZONING – BY REPEALING AND
REENACTING CHAPTER 17.81 RELATING TO
SITE PLAN AND ARCHITECTURAL APPROVAL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Title 17 – Zoning – is hereby amended by repealing and reenacting Chapter 17.81, "Site Plan and Architectural Approval," and shall read as follows:

Chapter 17.81 SITE PLAN AND ARCHITECTURAL APPROVAL

- 17.81.010 Purpose.
- 17.81.020 Committee established.
- 17.81.030 Required.
- 17.81.040 Application.
- 17.81.050 Maps and drawings.
- 17.81.060 Committee action.
- 17.81.070 Appeal from Committee

17.81.010 Purpose.

The purpose of site plan and architectural review and approval is to ensure compliance with this title (i.e. zoning ordinance) and to promote the orderly development of the City; the stability of land values; investment and the general welfare; and to help prevent the impairment or depreciation of land values and development by the erection of structures, additions, or alterations thereto without proper attention to good site planning and architectural appearance.

17.81.020 Committee established.

There is established a site plan and architectural review committee (SPARC) to assist the planning commission in reviewing site plans and architectural drawings. The membership of the committee shall consist of five members. Four of the members shall be appointed to four-year, overlapping terms by the Mayor with the approval of the City Council. The fifth member shall be a member of the Planning Commission and appointed by the Planning Commission to serve a one-year term on the committee.

17.81.030 Required.

Site plan and architectural approval is required for the following uses:

- A. **Residential building proposed to be erected in areas zoned R-GA, R-MD, R-HD, R-C-P, C-1, and C-2, except single-family dwellings, duplexes, and triplexes.**
- B. Commercial-professional offices and institutional buildings proposed to be erected in areas zoned R-C-P and C-1.

- C. Nonresidential buildings proposed to be erected in areas zoned ~~C-1~~, C-2, and C-M.
- D. Nonresidential buildings proposed to be erected in areas zones ~~M-1~~ and M-2, which abut upon areas zones ~~R-1~~, R-2, R-GA, R-MD, R-HD, R-C-P, ~~C-1~~, and C-2.
- E. Any user requiring a use permit (Ord. 1353 § 1, 1985: prior code § 27-18(c)); or when the Planning Commission or City Council requires a site plan and architectural review as a condition of a discretionary permit.

17.81.040 Application.

An application for site plan and architectural review shall be made by the property owner or agent on an application form provided by the City.

17.81.050 Maps and drawings.

The following maps and drawings, in duplicate, shall be submitted that show the following:

- A. A site plan of the proposed structures that compliment the neighborhood and preserve light and air on adjoining properties;
- B. Landscaping and/or fencing of yards and setback area, use of landscaping, and/or wall or fencing for screening purposes;
- C. Design of ingress and egress;
- D. Off-street parking and loading facilities;
- E. Drawings or sketches of the exterior elevations;
- F. Designation of location of existing fire hydrants.

17.81.060 Site Plan and Architectural Review.

- A. **If a project falls into one of the categories of projects listed in Section 17.81.030 and requires site plan and architectural review, the review of the proposed building project will be done in the following manner:**
 - 1. Planning staff shall review the site plan and architectural review application to determine if the project requires discretionary approval (use permit, variance, etc.) from the planning commission in addition to site plan and architectural review.
 - 2. If a project is determined to require a discretionary approval from the planning commission, the planning commission shall review the site plan and architectural design of the project.
 - 3. If a project falls into one of the categories listed in Section 17.81.030 but does not require a discretionary approval from the planning commission, SPARC shall review the site plan and architectural design of the project. The

approval body, whether the planning commission or SPARC shall have the power to approve or disapprove the application: or to approve the application subject to compliance with such modifications or conditions as it may deem necessary to carry out the purpose of the Lodi Municipal Code and all other applicable laws and regulations.

- B. Upon approval of submitted plans and after the expiration of the ten-day appeal period, the building inspector may issue a building permit.

17.81.070 Appeals.

Any action of the site plan and architectural review committee on matters referred to in this chapter may be appealed to the planning commission by filing, within ten business days, a written appeal to the Community Development Director. Any action of the planning commission on matters referred to in this chapter may be appealed to the City Council by filing, within ten business days, a written appeal to the City Clerk. The appeal shall be processed in accordance with Chapter 17.88, "Appeals," of the Lodi Municipal Code.

Section 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. In the event that any portion of this Ordinance is determined to be invalid or illegal then the entire Ordinance will be repealed and reenacted back to its form prior to September 21, 2005.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect 30 days from and after its passage and approval.

Approved this 3rd day of September, 2008


JOANNE MOUNCE
Mayor

Attest:


RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, **Randi Johl**, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1817 was introduced at a regular meeting of the City Council of the City of Lodi held August 20, 2008, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held September 3, 2008, by the following vote:

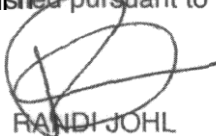
AYES: COUNCIL MEMBERS—Hansen, Hitchcock, Johnson,
Katzakian, and Mayor Mounce

NOES: COUNCIL MEMBERS—None

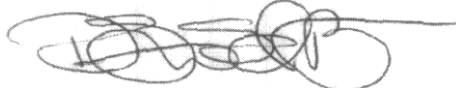
ABSENT: COUNCIL MEMBERS—None

ABSTAIN: COUNCIL MEMBERS—None

I further certify that Ordinance No. 1817 was approved and signed by the Mayor of the date of its passage and the same has been published pursuant to law.


RANDI JOHL
City Clerk

Approved as to Form:



D. STEPHEN SCHWABAUER
City Attorney